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10/02/01 TUE 10:08 FAX 651 517 5799 FIDIS-LINK INC

Doclet No.: PLUK-020

DECLARATION & POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My current residence, post office address and other data are stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the inventions entitled:

"MAINTAINING A GLOBAL TIME REFERENCE AMONG A GROUP OF NETWORKED DEVICES"

The specification of this subject matter:

- is attached hereto.

X was filed on March 13, 2001

X was assigned serial No. 09805,795

- which was amended on:

I hereby state that I have reviewed and understand the contents of the above-identified patent application, including the claims, as amended by any amendment(s) referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of the application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigned more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. §1.530(g).

I hereby claim foreign priority benefits under 35 U.S.C. §119 (a)-(d) of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for prior art inventor's certificate having a filing date before that of the application on which priority is claimed.

Foreign Application(s)

Foreign Country

Number Country Month/Day/Year Filed Yes No

Number Country Month/Day/Year Filed Yes No

Number Country Month/Day/Year Filed Yes No

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(I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) filed below:

Application Number Filing Date

Application Number Filing Date

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) filed below and, insofar as the subject matter of each of the claims of this application is not disclosed in those prior United States application(s) in the manner provided by 35 U.S.C. §112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

Application No. Filing Date Status (Issued, Pending, Abandoned)

Application No. Filing Date Status (Issued, Pending, Abandoned)

Application No. Filing Date Status (Issued, Pending, Abandoned)

Application No. Filing Date Status (Issued, Pending, Abandoned)

I hereby appoint Kenneth D. Massaro, Reg. No. 29,144; Timothy Blum, Reg. No. 44,046; Andrew V. Smith, Reg. No. 43,132; Michael A. Blum, Reg. No. 42,333; Kristin C. Clarke, Reg. No. 47,208; Andrew D. Gully, Reg. No. 46,441; Nicole E. Coppes-Gully, Reg. No. 46,940; Barbara J. Lether, Reg. No. 31,054; John W. Crosby, Reg. No. 46,054; Edward M. Burhead, Reg. No. 46,574; William W. Beard, Reg. No. 46,053; and all Registered Attorneys and Registered Agents of Sierra Patent Group, Ltd., as attorneys of record with full power of substitution and revocation, to prosecute this application and conduct all business in the United States Patent and Trademark Office connected therewith, and certify that I am the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment, accept of which is attached, from the inventor(s) of a patent application identified above.

Please send all correspondence and direct all telephone calls to:

XXX
Sierra Patent Group, Ltd.
P.O. Box 1149
Stanhope, NJ 08449
Telephone (715) 584-9200

I, the undersigned, declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by law or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

COPY OF PAPERS
ORIGINALLY FILED

Docket No.: PUNK-020

37 C.F.R. §1.51

Duty to disclose information on material to patentability

(a) A patent by its very nature is afforded with a public interest. The public interest is best served and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office which includes a duty to disclose to the Office all information known to the individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is controlled by whether it is considered for inclusion in the application. There is no duty to submit information known to be material to the patentability of any existing claim. The duty to disclose all information known to be material to the patentability is deemed to be satisfied if all information known to be material to patentability of any claim based in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 3700-1(d) and 1.553. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application; and
 - (2) The closed information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability depends, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) it refutes, or is inconsistent with, a position the applicant takes in:
 - (i) opposing an argument of unpatentability relied on by the Office; or
 - (ii) asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantially involved in the preparation or prosecution of the application and who is associated with the inventor, with the attorney or with anyone to whom there is an obligation to assist the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.

12/2/01
22 OCT 01

Docket No.: PUNK-020

FULL NAME OF INVENTOR (1)

Name: MIDDLEBROOK

LAST Name

JAMES

First Name

RESIDENCE AND CITIZENSHIP:

Title

City

State or Foreign Country

Country of Citizenship

Street

Post Office Address

Great Britain

Number and Street

City

State or Country

Patent Office Address

78380 Epping

Epping

I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by the or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that each willful false statement may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor: *James Middlebrook* Date: 22 OCT 2001

Signature of Inventor: _____ Date: _____